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No. 08-188

Supreme Court, U.S.
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In The Supreme Court of the United States

MARIELA VALDERRAMA,

Petitioner,

v.

HONEYWELL TECHNOLOGY SOLUTIONS, INC.,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

BRIEF IN OPPOSITION

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QUESTION PRESENTED

Whether the United States Court of Appeals for the Fourth Circuit properly affirmed the entry of summary judgment against a former employee of Honeywell Technology Solutions, Inc. ("HTSI") who claimed that HTSI discriminated and retaliated against her in violation of Title VII of the Civil Rights Act of 1964.

PARTIES TO THE PROCEEDING AND STATEMENT PURSUANT TO RULE 29.6

The caption of the case contains the names of all the parties. Respondent, Honeywell Technology Solutions, Inc., is a subsidiary of publicly traded Honeywell International, Inc. (NYSE: HON).

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IN THE
SUPREME COURT OF THE UNITED STATES

MARIELA VALDERRAMA,
Petitioner,

v.

HONEYWELL TECHNOLOGY
SOLUTIONS, INC.,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

Petitioner Mariela Valderrama asks this Court to review the Fourth Circuit's decision in *Valderrama v. Honeywell Technology Solutions, Inc.*,[1] in which the United States Court of Appeals for the Fourth Circuit affirmed, in an unpublished *per curiam* opinion, the

[1] *See Valderrama v. Honeywell Technology Solutions, Inc.*, 473 F. Supp. 2d 658 (D. Md. 2007), *aff'd*, 267 Fed. Appx. 256 (4th Cir. 2008)(respectively appended in Appendix to Petitioner's Petition for Writ of Certiorari ("Pet. App.") at Appendix B-1 and Appendix A).

decision of the United States District Court for the District of Maryland granting HTSI's Motion for Summary Judgment.

Ms. Valderrama does not articulate any proper reason for this Court to grant her Petition for Writ of Certiorari. Accordingly, the Court's resources are best served by not elevating the instant petition to its discretionary docket, a docket necessarily reserved for ninety or so of the most meritorious cases screened each term.

STATEMENT

On April 29, 2002, Ms. Valderrama's employment with HTSI ended as part of a reduction-in-force. Pet. App. B-1 at 4. On November 2, 2004, Ms. Valderrama filed a charge of discrimination with the EEOC. *Id.* at 5. On February 8, 2005, Ms. Valderrama filed her civil action against HTSI. *Id.* at 1-2. Ms. Valderrama's Complaint alleged: discriminatory discharge and retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*; invasion of privacy; invasion of privacy with unreasonable publicity given to private life; and intentional infliction of emotional distress.

After discovery, HTSI filed a Motion for Summary Judgment under Rule 56 of the Federal Rules of Civil Procedure. The district court granted HTSI's Motion for Summary Judgment. In its decision, the district court found that Ms. Valderrama's Title VII claims were time-barred. The district court went on to hold that even if Ms. Valderrama's Title VII retaliation claim was timely, it

would be dismissed as factually unsupported. *Id.* at 11-15. The district court further held that Ms. Valderrama abandoned her Title VII national origin claim, *id.* at 11-15, and that Ms. Valderrama was barred from raising sex discrimination because she had not alleged it in her Complaint or included it in her EEOC filing, *id.* at 15-16. The district court also dismissed Ms. Valderrama's common law claims. *Id.* at 16-20.

On February 25, 2008, the United States Court of Appeals for the Fourth Circuit affirmed the district court's opinion. Pet. App. A. On March 28, 2008, the Fourth Circuit denied Ms. Valderrama's petition for rehearing. Pet. App. at D-1.

REASONS FOR DENYING THE WRIT

A. THE PETITION DOES NOT PRESENT A SUBSTANTIAL FEDERAL QUESTION.

The Court's jurisdiction is properly reserved to resolve important issues of federal law, and then only when the circuit split on an important issue is profound or widespread. *See generally* Robert L. Stern et al., *Supreme Court Practice* at 170-171 (7th ed. 1993). The instant case does not meet that standard.

Question 7 of the petition raises the issue of whether the district court properly applied the standards under Rule 56 of the Federal Rules of Civil Procedure in granting HTSI's Motion for Summary

Judgment.[2] In essence, however, the petition invites this Court to delve into fact-bound determinations that conform with prior decisions of this Court and involve no error that would justify the exercise of this Court's discretionary jurisdiction.

Ms. Valderrama essentially takes issue with the district court's: (1) factual findings; (2) finding that she had not previously asserted a sex discrimination claim; and (3) finding that Ms. Valderrama's Title VII claims were untimely. Regardless of whether the charged errors concern purely factual findings or the alleged misapplication of the law, further review is not warranted. Sup. Ct. R. 10.

First, Ms. Valderrama does not and cannot maintain that the Fourth Circuit's decision conflicts with that of any other federal court of appeals so as to warrant review. *See* Sup. Ct. R. 10(a).

Second, Ms. Valderrama does not and cannot claim that the Fourth Circuit's unpublished opinion determined an important question of federal law that this Court either has not previously decided or has previously decided in a conflicting way. *See* Sup. Ct. R. 10(c).

Third, even if Ms. Valderrama had raised any worthy legal question, this case would be a poor vehicle for deciding it because the record so clearly fails to support a claim of discrimination. In fact, the district court specifically held that HTSI had

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[2] The other questions presented by Ms. Valderrama raise issues that were not part of the original proceeding before the district court or implicate parties other than HTSI.

established that it had a legitimate nondiscriminatory reason for terminating Ms. Valderrama's employment and that Ms. Velderrama had not established that HTSI's stated reasons for the termination of her employment were pretext. Pet. App. B-1 at 13-15. Because revisiting the district court's well-supported determinations is unlikely to alter the outcome of the case, further review is unwarranted.

CONCLUSION

For the reasons stated, the petition should be denied.

Respectfully submitted.

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